

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Deputy Clerk.

**F027568      The People v. Bailey**

Cause called and argued by Norton Tooby, Esq., counsel for appellant. Carlos Martinez, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

**F029980      Lessany-Abdi v. Governing Board of Sierra Sands Unified School District**

Cause called and argued by Richard J. Papst, Esq., counsel for appellant and by Frank J. Fekete, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until 11:00 A.M.

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The court reconvened in its courtroom at 11:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Deputy Clerk.

**F31234) Malone et al. v. Superior Court, Kern County; The People**  
Cause called and argued by Randall B. Dickow Esq., and Robin M. Walters, Esq., counsel for petitioner Chavonne Malone, Cynda Bunton, Esq., Deputy Public Defender, counsel for petitioner Tracee Ward, Michael E. Dellostritto, Esq., counsel for petitioner Charles Jones and by Patrick J. Whalen, Esq., Deputy Attorney General, counsel for real party.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable James F. Thaxter, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

**F027432 The People v. Loera & Cordova**  
Cause called and argued by Howard Specter, Esq., counsel for appellant Candido Loera, Jim Fahey, Esq., counsel for appellant Peter Cordova and by David Rhodes, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

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**F026692      The People v. Garcia**

Cause called and argued by James Johnson, Esq., counsel for appellant and by Patrick J. Whalen, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, February 17, 1999 at 10:00 A.M.

**F030086      People v. Pierce**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032136      People v. Brady**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F030330      People v. Stewart**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F028340      People v. Uribe**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030506      People v. Romero**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F029726      People v. Shepard**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029900      People v. Pardue**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 19(b), California Rules of Court, it is further ordered that the remittitur issue forthwith.

**F030355      People v. Mark**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030163      People v. Smoak, Jr.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030355      People v. Mark**

The judgment (order granting probation) is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F028948      The People v. Garcia**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F030171      People v. Cleveland**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030531      People v. Bermudez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F029173      A. E. Staley Manufacturing Company v. Nulaid Foods, et al.**

The order of submission heretofore entered on the above entitled case on February 9, 1999, is hereby vacated. The parties are directed to submit letter briefs on the application of *Flatt v. Superior Court* (1994) 9 Cal.4th 275.

Each party shall have until February 22, 1999, to file the supplemental briefing.

**F029914      People v. Wade**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030017      People v. Stevens**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F027967      People v. McDaniel**

Appellant's petition for rehearing filed herein is denied.

**F030487      People v. Dale**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F029123**      **People v. Jaramillo**  
**F030803**      **In re Jaramillo on Habeas Corpus**  
The judgment is affirmed. Petition for writ of habeas corpus is denied.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F030409**      **People v. Tiner**  
The judgment is affirmed with modifications.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F030089**      **People v. Mariscal**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F030379**      **Estate of Lena Miller, Deceased**  
The judgment is reversed and readmnded for the trial court to issue a statement of decision. Costs are awarded to appellant. Wiseman, J.  
We concur: Ardaiz, P.J.; Vartabedian, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F027913**      **People v. Lopez, Jr.**  
The judgment is affirmed. Thaxter, J.  
We concur: Stone (W.A.), Acting P.J.; Dibiaso, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F030152**      **People v. Serrano**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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- F029642**     **People v. Tate**  
                 The judgment is affirmed.  
                 By the Court.  
                 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F029810**     **People v. Arreguin**  
                 Appellant's petition for rehearing filed herein is denied.